

REMARKS

Reconsideration and allowance of the application based on the foregoing amendments and for other reasons, are respectfully requested.

Claims 1-20 were pending in the application. Claims 18-20 stood withdrawn from consideration by the Examiner following a restriction requirement and an election, and have been canceled. Claims 1-17 stood rejected. Base claims 1, 7, and 15 have been amended directly, and thus all of their dependent claims indirectly. Dependent claims 2-4 have been cancelled; this because of the incorporation of their subject matter into base claim 1. Thus claims 1, and 5-17 remain in the application. All claims 1 and 5-17 have been amended to cure an indefiniteness. Claims 5, 6, 13 and 14 have been further amended.

Claims 1-17 were rejected under 35 USC 112, second paragraph, as being indefinite, the Examiner objecting to the transitional phrase "consisting of". Applicant has amended all of the claims remaining in the application by canceling the amendatory matter "support consisting of a" in claims 1, and 5-17, and substituting the phrase "support including a". Then too, the term "including" is deemed to accommodate the use of the term "comprising" in some of the claims.

Claims 1-6 and 15-17 were rejected under 35 USC 102(b) as being anticipated by Hathaway (4,139,131), the Examiner stating inter alia that "Hathaway discloses a child's sling having a channel (40) between its ends (Figure 7), wherein; the sling is an elongated piece of fabric (col. 2, line 15); the channel is near the middle of the sling (Figure 3); the channel extends over the entire width of, or cross-wise, the sling; and a pocket is formed (col. 4, line 20). The Examiner noted that applicant used "the phrase 'consisting of' to limit the structure of the child sling", but took "the position that the specific structure of the 'sling' has not been defined". As noted above, the phrase "consisting of" has been replaced by the term "including", and the claims amended to better define applicant's meritorious contribution to the art.

While applicant disagrees with the Examiner's "specific structure" position, she has amended the claims to define further the "specific structure of the 'sling'". Thus claim 1, and

hence its dependent claims 3-6, now further require that the sling be "of an elongated piece of fabric of a width through out its length to cover completely a child's buttocks and support the child comfortably". Hathaway's "sling" (see Figs. 4 and 8) clearly is not of a width through out its length to cover completely a child's buttocks. The width of applicant's sling goes to the huge difference of applicant' invention over Hathaway.

Claims 15, and hence its dependent claims 16, 17, have been similarly amended. Thus claim 15 now further requires that an "elongated piece of fabric of a width through out its length to cover completely a child's buttocks and shoulders and support the child comfortably". Thus these claims too now define more "specific structure of the `sling'". Applicant urges that the claims already imposed a patentably distinguishing structure over that disclosed by Hathaway by reciting structure such as "being draped over a user's shoulder so that the channel rests on the shoulder". Applicant is reciting the structure of the "child support" when in use. Hathaway does not teach such structure.

Thus claims 1, 3-6 and 15-17, particularly as now amended, are not anticipated by Hathaway.

But to expedite the prosecution of the application, applicant has further amended claim 1, and hence its dependent claims 3-6, to require that the channel is "formed by folding the length of the fabric and sewing in a line across the width of the fabric some inches from the fold". This is untaught by the references.

Claims 5 and 6 were still further amended. Thus these claims now also require that the "pocket" be "made up of the fabric itself by simply folding over an end of it and sewing the sides thereof". This too is untaught by the references.

Claims 7-14 were rejected under 35 USC 103(a) as being unpatentable over Hathaway in view of Cordisco (5,071,047), the Examiner urging, with respect to claims 7-10, that "Hathaway discloses a child sling structurally equivalent to that of the claimed invention", but recognizes

that "Hathaway does not teach the sling being worn on a carrier's back" for which deficiency he resorts to Cordisco. It's true that Cordisco discloses a carrier for carrying a baby on the back; but both Hathaway and Cordisco employ complicated structures, not applicant's simple sling structure with "a channel disposed between its ends", a simple sling structure now recited in greater detail.

Applicant has amended the claims 7-14 to recite further structural difference in the sling that enable her successful simple child support. Thus claim 7, and hence its dependent claims 8-14, now requires that the sling's elongated piece of fabric be "of a width throughout its length to cover completely a child's buttocks and support the child comfortably". Neither Hathaway nor Cordisco meet that criteria, a criteria which enables applicant's claimed sling to be the simple child sling that it is.

Claim 7, and hence its dependent claims 8-14, have been still further amended to require that "channel" be "formed by folding the length of the fabric and sewing in a line across the width of the fabric some inches from the fold".

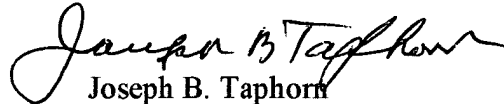
As regards claims 11 and 12, while the Examiner may be right in observing that the knot of Hathaway is capable of being loosely tied or tightly tied, there is no evidence that Hathaway contemplated that the knot be loosely tied at first and tied securely after. Thus applicant submits that the limitations add further patentability to the claims.

As regards claims 13 and 14, they have been amended to distinguish more clearly over the art by reciting that the pocket "is made up of the fabric itself by simply folding over an end of it and sewing the sides ".

Applicant notes that the action was classified FINAL. But the Examiner for the first time applied the Cordisco reference. Thus applicant urges that the FINAL was premature, and that it should be withdrawn and the Amendment entered as a matter of right.

Wherefore it is believed that the claims, particularly as amended, are not anticipated by Hathaway, or obvious on Hathaway in view of Condisco, that the claims represent a child's sling quite different from what has existed heretofore, and that this application has been placed in condition for allowance, which favorable action at an early date is earnestly solicited.

Respectfully submitted,



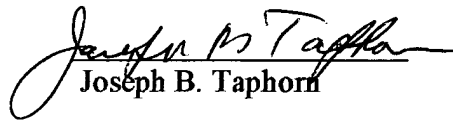
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